

## 5.5. Agency Considered Mitigation

Mitigation measures were developed based on analysis of project impacts, the project public comments, results from mitigation workshops in July 2015 and May 2017, and input from federal, state, and Tribal cooperating agencies. Additional mitigation identified during the process may include project modifications that are in part considered feasible from a cost and constructability perspective. Agency considered mitigation measures are described in Section 5.5 tables in Chapter 5, Impact Avoidance, Minimization, and Mitigation.

## 5.6. Compensatory Mitigation

CEQ has defined mitigation in its regulations at 40 CFR 1508.20 to include “compensating for the impact by replacing or providing substitute resources or environments.” Compensatory mitigation for unavoidable impacts may be required to ensure that activities requiring a permit comply with Clean Water Act (CWA) Section 404(b)(1) Guidelines. Compensatory mitigation may be provided through permittee-responsible mitigation activities, or as payment for preserving existing wetlands through mitigation banks or in-lieu fees.

For unavoidable losses to waters of the United States, Donlin Gold has proposed compensatory mitigation. Donlin Gold developed a Compensatory Mitigation Plan in coordination with federal, state, and local governments and landowners (Appendix M). Compensatory mitigation is further described in Section 3.11 - Wetlands of Chapter 3, Environmental Analysis and Section 5.6 of Chapter 5, Impact Avoidance, Minimization, and Mitigation.

## 5.7. Mitigation Monitoring and Adaptive Management

To assess the success of mitigation efforts, monitoring plans which may include elements of adaptive management could be developed. Agency-considered monitoring and adaptive management is included in Section 5.7 tables in Chapter 5, Impact Avoidance, Minimization, and Mitigation.

## Chapter 6: Consultation and Coordination

EIS development included consultation and coordination with agencies and the public. For details regarding locations and dates of meetings, see Chapter 6, Consultation and Coordination.

### 6.1. Scoping Notice and Public Scoping Meetings

The Corps published the Notice of Intent to prepare the Donlin Gold Project EIS in December 2012, which started the scoping period. Also in December, the project website was launched ([www.DonlinGoldEIS.com](http://www.DonlinGoldEIS.com)) and the first informational newsletter was circulated to 1,000 stakeholders and 7,450 mailing addresses. The first newsletter contained a self-mailing comment form; other comment submission avenues included the website’s comment form; email; U.S. mail; facsimile; or speaking at public meetings.

The formal scoping period was December 14, 2012, to March 29, 2013. Several techniques were used to notify the public of the proposed project and EIS, of scheduled public scoping meetings, and how to solicit comments. The Corps placed advertisements in regional newspapers and on local radio stations, as well as sent notices by press release and mail.

Public scoping meetings were held in thirteen communities throughout the EIS Analysis Area plus Anchorage from January 2013 through March 2013. Residents could also participate via teleconference to facilitate comments. For communities where public meetings were not held, Tribal representatives selected and sent participants to meetings. Donlin Gold provided travel support. Overall, representatives from 21 neighboring villages attended scoping meetings in the host communities, for a total of 35 villages participating in person. Discussions with potentially affected Tribal governments will continue throughout the project.

### 6.2. Agency Scoping Meeting

To gather agency input regarding scoping issues, alternatives, and information sources, an agency scoping meeting was held in February 2013 in Anchorage. Attendees included: BLM, USFWS, EPA, ADNR, ADF&G, and Alaska Department

of Health and Human Services. Tribal governments that participated in the agency scoping meeting included: Village of Crooked Creek, Native Village of Chuathbaluk, and Native Village of Napaimute.

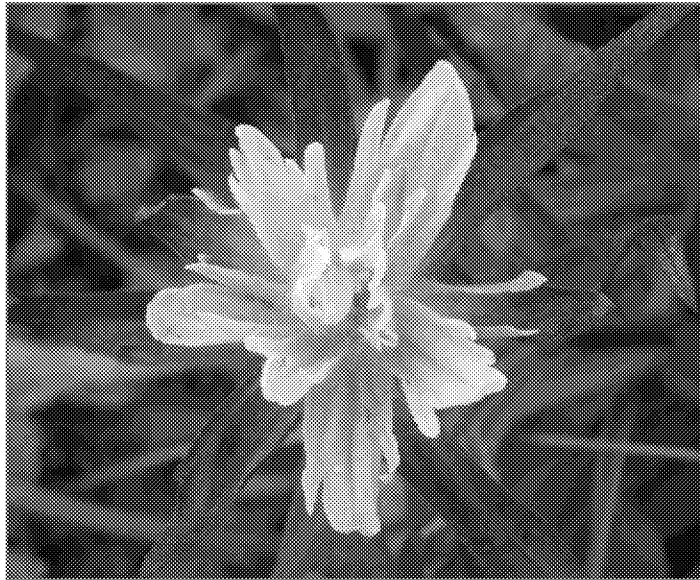
### 6.3. Government to Government Consultation

The Corps identified 66 federally recognized tribes potentially affected by the project (see Appendix P, Corps Initiation of the Government-to-Government Relationship with Federally Recognized Tribes). The Corps sent a letter of notification and inquiry September 24, 2012, to all recognized tribes offering the opportunity to participate in formal government-to-government consultation, to participate as a cooperating agency, or to simply receive information about the project.

The letters included a Tribal Coordination Plan for project development. The Corps also requested information from the tribes on subsistence, archaeological sites, and traditional cultural properties as well as special expertise regarding any environmental, social, or economic impacts.

Throughout the project the Corps has held staff level government-to-government Tribal coordination meetings regarding the Donlin Gold Project with tribes, per Tribal request.

The BLM, conducting a separate government-to-government inquiry regarding the project, sent a letter of notification on August 19, 2014, to all the recognized tribes, offering the opportunity to participate in formal government-to-government consultation with the BLM, apart from the Corps.



### 6.4. Comments

During the scoping period, the Corps received 164 unique submissions, including 14 transcripts of public meetings which generated 134 oral responses from participants. The term submission refers to the entirety of oral testimony at a public meeting, an entire letter, or an email message. Most submissions included many comments, a term which refers to each of the discrete concepts conveyed in a submission. In all, 2,619 substantive comments were received and grouped into 438 Statements of

Concern (SOC) which reflect a single point that may have been expressed by several individuals. Issues and concerns expressed by the public and agencies were used as part of the process to develop alternatives (see Scoping Report, Appendix B).

### 6.5. Additional Public Outreach

As opportunities arose, the Corps continued to provide project information and updated presentations to stakeholder groups. Over 30 supplemental outreach meetings have been held statewide, regionally, and in villages. The Corps has produced seven newsletters.

### 6.6. Draft EIS and Public Comment Period

On November 25, 2015, the Corps published a Special Public Notice regarding the release of the Draft EIS. The Special Public Notice regarding the comment period featured a 157-day comment period that began on November 25, 2015 and ended April 30, 2016. Given the receipt of multiple requests to extend the comment period on the Department of the Army Permit Application and/or the Draft EIS, the Corps extended the public comment period to May 31, 2016.

In addition, 17 public meetings were held in the same locations as the scoping meetings, with the additions of Tyonek, Lower Kalskag, and Chuathbaluk. The Draft EIS meetings were well attended, with a total estimated attendance of 1,004 persons in the 17 meetings and oral comments offered by 204 persons.

Public comments regarding the Draft EIS were received as oral and written testimony at the public meetings, and as written comments received through postal mail, fax, and email. Comments were submitted by individual citizens as well as groups, including federal agencies, tribal governments, state agencies, local governments, businesses, special interest groups, and non-governmental organizations.

### **6.7. Draft EIS Comments Received**

During the Draft EIS public comment period, the Corps received 529 unique submissions. Of these, 17 were transcripts of the public

meetings. Three form letters were received. The submissions included over 5,000 comments which were then grouped into Statements of Concern (SOCs). The SOCs are summary statements capturing a single substantive point that may have been expressed in a number of individual comments. Each SOC (and by extension, each individual comment) was acknowledged, and a response was written. Changes to the document were made as appropriate, and additional analyses performed as needed to address concerns. A summary of the comment analysis process, all SOCs, and the response to each SOC can be found in the Comment Analysis Report (CAR) in Appendix X. Each submission, with comments bracketed by SOC category, can be found in Appendix A, Volumes 1-5, of the CAR.

A newsletter summarizing the major themes from the comment analysis process was sent in November 2016 and the release of the Final EIS was announced in a Newsletter in April 2018.